



123 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3194-2024

Date of Decision: 24.05.2024

Ajit Kaur (deceased) through her legal representative ...Petitioner

Versus

Gurmeet Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. H.K. Aurora, Advocate for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 01.12.2023 and 05.04.2024 passed by the Ld. Civil Judge (Jr. Division), Jalandhar whereby evidence of the petitioner-defendant has been closed and application for recalling witness DW1 for completion of his cross-examination, has been dismissed.

2. Learned counsel for the petitioner submits that the suit for declaration and permanent injunction was filed by the respondents-plaintiffs. After framing of issues, respondents-plaintiffs led their evidence and closed the same. Defendant examined DW-1 Jasvir Singh, who was partly cross-examined and his further cross-examination was deferred thrice. In the meantime, due to the outbreak of Covid-19, the case was adjourned from time to time. When the proceedings were restarted in restrictive mode, the defendant Ajit Kaur had died on 19.06.2021. Thereafter, the matter remained pending for the service of LRs of deceased defendant. After impleading the LR, DW2 was cross-examined and on the same day, the learned trial Court closed the evidence of the defendant. The petitioner-defendant came to know at the stage of arguments that one witness DW1 Jasvir Singh, had not been completely cross-examined by the respondents-

plaintiffs as they were under the impression that he had already been cross-examined completely.

3. After arguing for some time, learned counsel for the petitioner submits that petitioner would be satisfied if one opportunity is granted to the petitioner to produce the said witness DW1 Jasvir Singh for the purpose of further cross-examination. The case is fixed for 03.07.2024 before the learned trial Court.

4. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents.

5. Without commenting upon the merits of the case and in the interest of justice, the impugned orders dated 01.12.2023 and 05.04.2024 passed by the Ld. Civil Judge (Jr. Division), Jalandhar are set aside and this petition is disposed of with a direction to the concerned Court to give one opportunity to the petitioner to produce the said witness DW1 at his own responsibility subject to payment of costs of Rs.5000/- to be paid to the opposite party. The said witness i.e. DW1 shall appear in the Court on 03.07.2024 and shall be further cross-examined on the same date or in case the Court is unable to further cross-examine on that day, then he shall be further cross-examined on the very next day. No further opportunity shall be given.

6. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

7. Petition stands disposed of.

24.05.2024

Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No